

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 23052 of 2004

Between:

S.Jameer Ahmed S/o.Nazear Ahmed
A.P.S Minorities Finance Corp Ltd., Kurnool Branch,
Kurnool Dist.

..... PETITIONER

AND

The Vice Chairman & Managing Director A.P.State
Minorities Finance Corp Ltd, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent in not considering the representation of the petitioner dt.17-11-2004 by reinstating him into service basing on the report submitted by the Audit Team dt.16-8-2004 is arbitrary, unreasonable and consequently direct the Respondent to consider the representation of the petitioner dt.17-11-2004 by reinstating him into service by treating the entire suspension period as on duty and to pass such other and further orders.

Counsel for the Petitioner: MR.G.TUHIN KUMAR

Counsel for the Respondents: MR.K.RAMANUJACHARI

The Court at the admission stage, made the following:

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO: 23052 of 2004

ORDER:

In not considering the representation of the petitioner dated 17.11.2004 for re-instatement into service based on the report submitted by the Audit Team Report dated 16.08.2004, the writ petition has been filed.

2. The learned counsel for the petitioner contended that the Audit Team has filed its Report and the said Report has not been considered in revoking the suspension order, hence, a direction may be given to the respondent to consider the representation of the petitioner.

3 . On the other hand, the learned counsel appearing for the respondent contended on the ground that it is only suspension order pending enquiry and the Report, if any, submitted by the Audit Team Department, cannot be a ground to revoke the suspension order.

4. The respondent passed the order, placing the petitioner under suspension on 25.06.2004, pending disciplinary enquiry. The respondent also by his proceedings dated 25.06.2004, instructed the Audit Team to scrutinize thoroughly the accounts books of the corporation's branch office at Kadapa.

5 . According to the learned counsel for the petitioner, the Audit Team has inspected and verified the records and submitted its report to the first respondent. Wherein, it is made clear that there is no variation in the Books of Accounts and the entire funds, released from the Head Office, were utilized in implementation of the Scheme and the entire amount that was released has been properly disbursed. Therefore, based on the report, the first respondent has to take a decision to continue the suspension order or to revoke the suspension order and accordingly, appropriate decision has to be taken by the first respondent.

6. Having been taken long-range view of the whole matter, I deem it

appropriate to give a direction to the first respondent to pass appropriate orders on the representation of the petitioner dated 17.11.2004.

7. Therefore, first respondent is directed to pass appropriate orders on the representation of the petitioner dated 17-11-2004 by taking into consideration the Audit report which was already submitted to the first respondent, within a period of two weeks from the date of receipt of a copy of this order.

8. Accordingly, the Writ petition is disposed of. No costs.

_____ December 13, 2004

KVR

TO

1 The Vice Chairman & Managing Director A.P. State
Minorities Finance Corp Ltd, Hyderabad.

2 Two C.D. Copies.